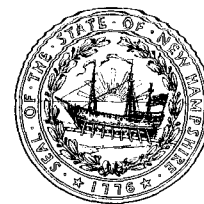




The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

**LETTER OF DEFICIENCY**  
**WET 05-052**

December 13, 2005

Linda Fijol  
294 Russell St  
Hadley, MA 01035

RE: DES Wetlands File #2004-00558 Forest Ave, Chesterfield

Dear Ms. Fijol:

On November 22, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Chesterfield Tax Map 8 as Lot A4 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection and subsequent review of the file the following deficiencies were documented:

1. Wetlands and Non-Site Specific Permit 2004-00558 was issued to provide access to a commercial golf center. The road is currently being upgraded to provide access to a single family residence as indicated in the amendment proposal submitted by SVE Associates dated November 5, 2004 and received by the Department on November 8, 2004.
2. To date, road surface expansion has resulted in approximately 2500 square feet of wetland impact.
3. The culvert crossing at the entrance was not constructed according to the approved plans. The outlet was observed to be set higher than the inlet, restricting water flow in the stream. Permit Specific Condition #1 of Wetlands and Non-Site Specific Permit 2004-00558 requires that all work be in accordance with the approved plans by SVE Associates dated February 13, 2004 with revisions through April 17, 2004, as received by the Department on June 1, 2004.
4. The installed culvert is 40 feet long. The approved plans call for a 30 foot long culvert, as conditioned in Permit Specific Condition # 1 of Wetlands and Non-Site Specific Permit 2004-00558.
5. Erosion and turbidity controls were not installed, as conditioned in Permit Specific Condition # 7 of Wetlands and Non-Site Specific Permit 2004-00558.
6. Exposed areas were not stabilized as conditioned in Permit Specific Condition #13 - 14 of Wetlands and Non-Site Specific Permit 2004-00558.
7. Best Management Practices were not followed as conditioned in Permit Specific Condition # 15 of Wetlands and Non-Site Specific Permit 2004-00558.

In addition, the following un-permitted deficiencies were observed:

8. Approximately 80 linear feet of the perennial stream channel had been dredged.
9. The dredge spoils had been stockpiled immediately adjacent to the stream, in a jurisdictional wetland. Approximately 700 square feet of wetland had been filled.
10. Approximately 50 linear feet of the perennial stream channel had been dredged on the downstream side of the culvert crossing.
11. Approximately 30 linear feet of an intermittent stream channel had been dredged upstream of the culvert crossing location.
12. A ditch on the north side of the road has been constructed. Dredge spoils were piled immediately adjacent to the ditch. The ditch outlets directly into the perennial stream channel. Approximately 10 linear feet of stream bank and 1000 square feet of wetland had been dredged and filled to construct the ditch.
13. A ditch on the south side of the road had been constructed. Dredge spoils were piled immediately adjacent to the ditch. The ditch outlets directly into an intermittent stream channel. Approximately 5 linear feet of stream bank and 1000 square feet of wetland had been dredged and filled to construct the ditch.
14. Sediment deposition was observed in the perennial stream channel for a distance of approximately 30 linear feet downstream of the ditch.
15. Sediment deposition was observed in the intermittent stream channel for a distance of approximately 30 linear feet downstream of the ditch.
16. Sediment deposition was observed in the perennial stream channel, downstream of the confluence with the intermittent stream, for a distance of approximately 30 linear feet.
17. On-going soil erosion from the unstable road surface and exposed soils was causing silty water and sediment to enter both streams.

In response, you are requested to take the following actions:

1. **Immediately** stabilize the site for winter conditions.
2. **Immediately** install rock check dams in the ditches and areas of channelized flow as a temporary erosion control measure.
3. **Within 20 days of receipt of this Letter of Deficiency**, provide photo documentation as evidence that the site has been stabilized for winter conditions.
4. **Within 30 days of receipt of this Letter of Deficiency**, submit an amendment request to reduce and minimize the wetland impacts as would be permissible for a residential driveway crossing, including a new plan set, showing existing conditions, new culvert sizing, and include the impacts associated with work along the driveway in the jurisdictional wetland.

5. **Within 30 days of receipt of this Letter of Deficiency**, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for restoring all impacts in excess of impacts approved under #4 above. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
  1. Existing conditions, including all wetland impacts to date, with wetland boundaries;
  2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date;
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

6. Retain a certified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

**7. Implement the restoration plan only after receiving written approval and as conditioned by DES.**

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

  
Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8431 6526

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit ✓  
Chesterfield Conservation Commission  
Chesterfield Board of Selectmen  
USACOE